

**State Board of Education
December 15, 2009
Item L**

Team: Special Education Advisory Council

Update Topic: Reintroduction; identifying critical concerns/unmet needs

Statutory Authority: V.S.A. Title 16 § 2945; 34 CFR §300.167 – 300.169

Background Information: The statute calls for the Special Education Advisory Council to advise the State Board and Department of Education (DOE) regarding the development of any state plan for the provision of special education services. Each year the Council has reviewed the data from the State's Annual Performance Report and has authored letters to the DOE in regards to regulation changes.

Purpose of Discussion:

- Understand the Council's duties and current work
- Open a continuing dialogue between the Council, the Board and the Department as to how to best meet the needs of students with disabilities in an ever changing educational environment
- Respond to any questions that may arise during the presentation or regarding the role of the Council

Cost Implications:

Monetary Resources – Non-government agency members of the Council receive a stipend of \$50, plus mileage, for their participation in a monthly (ten per year) meeting.

Staff Resources – The Department of Education assigns one Consultant to serve as the liaison to the Council, and Karin Edwards, Director of the Student Support and Healthy Schools Team, meets monthly with the Council to provide State updates.

Staff Available: Sandy Bartley, Pending Parent Representative; Adrienne Fisher, Special Education Administrator; Michael Giangreco, Higher Education Representative; and Ernie Wheeler, DOE Liaison to the Council will be in attendance.

Special Education Advisory Council

Appointed Members of the Council:

Alice Angney – Parent/Retired Superintendent

Mary Barton, Chairperson – Special Education Director, Green Mountain Union High School

Adrienne Fisher – Special Education Administrator, Franklin West SU

Michael Giangreco – University of Vermont

Eileen Guyette – Special Educator

Jean Haigh – Johnson State College

Mary Koen – Special Education Administrator, Community High School of Vermont

David LaCroix - Public

Margaret Wilson – Special Educator/Parent

Karen Woolsey – Special Educator Administrator, Orange North SU

Legislative Appointees:

Pending Appointments:

Sandy Bartley - Parent

Ann Czar - Parent

Lisa Maynes - Parent

Department of Education Liaison:

Ernie Wheeler – Education Consultant, Student Support Team

Vermont Special Education Advisory Council (VSEAC)

- The VSEAC exists as a requirement of the IDEA to advise the Vermont Department of Education and the State Board of Education on unmet educational needs of children with disabilities.
- Membership consists of individuals with disabilities, parents of children with disabilities, and education professionals appointed by the Governor.

Two Important Concerns in Need of Action (among many)

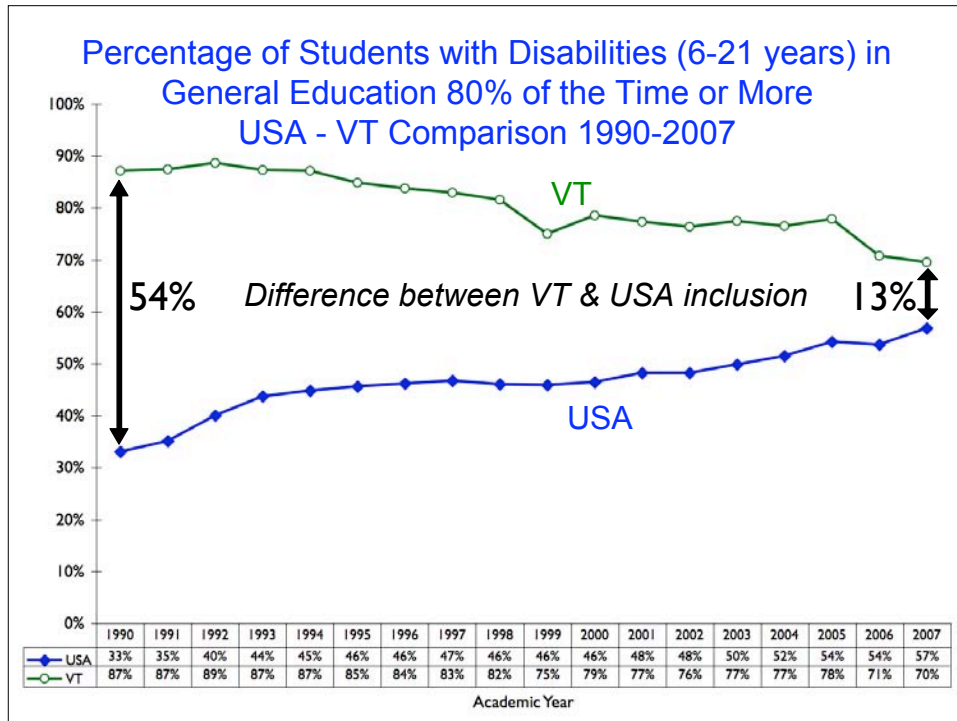
- #1: Ensuring that Vermont students with disabilities receive their education in the “Least Restrictive Environment” as required by the IDEA.
- #2: Ensuring the State funding of special education aligns with, does not hinder, and encourages evidence-based and promising educational practices.

Defining LRE: (Least Restrictive Environment)

- IDEA states: *“to the maximum extent appropriate, children with disabilities ...are educated with children who are nondisabled”*.
- *“...special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplemental aids and services cannot be achieved satisfactorily”*. (CFR 300.111)

LRE Concerns

- There appears to be uneven application, confusion, and misapplication of LRE principles and practices in Vermont schools.
- This leads to potential educational and civil rights infringements for Vermont students with disabilities.
- This also leads to diminished opportunities for Vermont students without disabilities to learn from and with their peers who have disabilities.



Key Federal Interpretation

- Congress expressed a strong preference in favor of educating children with disabilities in an inclusive manner and in integrated environment and requires States accepting IDEA funds to educate children with disabilities in the least restrictive environment (i.e., with their nondisabled peers in the regular classroom) to the maximum extent appropriate.
- The IDEA presumes that the first placement option considered for each child with a disability is the regular classroom in the school that the child would attend if not disabled, with appropriate supplementary aids and services to facilitate such placement.

Federal Interpretation (continued)

- In all cases, placement decisions must be individually determined on the basis of each child's abilities and needs and each child's IEP, and not solely on factors such as category of disability, severity of disability, availability of special education and related services, configuration of the service delivery system, availability of space, or administrative convenience.
- IDEA does not require that students with disabilities (even those with severe disabilities) be able to perform at or near the grade level of non-disabled students before placement in the regular class can be considered the LRE for them.

Federal Interpretation (continued)

- States and school districts are not asked to determine whether LRE is an appropriate policy, but rather to determine how a child can be educated in the LRE.
- Thus, school districts must determine how a child can be educated in the regular class with the use of supplementary aids and services.

LRE Recommendations

1. Publicly and officially reaffirm Vermont's commitment to ensuring LRE for all of our students with disabilities.
2. Encourage the Vermont Department of Education to study why these LRE concerns exist in order to tailor future targeted actions.
3. Encourage the Vermont Department of Education develop a plan to disseminate information to school personnel, school leaders, school board members, parents, and community members about the LRE and provide professional development that would facilitate providing education for students with disabilities in general education classes.
4. Encourage the Vermont Department of Education to work with the IHE's to ensure that LRE information and facilitating practices are included in the preparation of general education teachers and school administrators.

Including students with disabilities with supports is the right thing to do, and it happens to be the law.



Funding: History of Past Studies

- It is important to review the recommendations of the Blue Ribbon Commission (1998-2000) and the Special Education Fiscal Review Panel (1998-2004) prior to initiating new explorations of funding formulas...



Accountability

We recognize the need to maintain accountability (at many levels); at the same time we are concerned that the primary focus should be on providing appropriate services to students with disabilities as required by the IDEA.

Funding Concerns

Funding rules are inadvertently encouraging practices that are inconsistent with evidence-based and promising educational practices.

Current rules encourage:

- homogeneous grouping of students with disabilities;
- assignment of 1:1 paraprofessionals (est. over 50%);
- labeling/identification of students as disabled

Funding Recommendations:

1. VT DOE to continue to collaborate with the field to design funding rules that align with evidence-based and promising practices.
2. Allow funding to support responsible and flexible programming based on changing student needs.

Please consider these issues in your goal setting.

- #1: Ensuring that Vermont students with disabilities receive their education in the “Least Restrictive Environment” as required by the IDEA.
- #2: Ensuring the State funding of special education aligns with, does not hinder, and encourages evidence-based and promising educational practices.

Why?

- Because they matter to me, to my family, other families who children with disabilities, and to the concerned citizens of Vermont who are counting on us to do the right thing.



Thank you!